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10/721,125	11/25/2003	Frank Kung Fu Liu	UC-3	6182

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EXAMINER

DAO, MINH D

ART UNIT PAPER NUMBER

2618

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/721,125	Applicant(s) LIU, FRANK KUNG FU	
	Examiner MINH D. DAO	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 18 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claim 18 recites the limitation "said second device" in line 13. There is insufficient antecedent basis for this limitation in the claim.

4. Claim 18 recites the limitation "a second device" in line 23. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-6, 8-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Pradhan et al. (US 2004/0235521).

Regarding claim 1, Pradhan teaches a digital audio file reproduction apparatus having wireless transfer capability with a remote device (see figs. 8s), comprising:

- a memory (see figs. 8s);

- a controller coupled to store and recall digital audio files with said memory (see figs. 8s; sections [0050-0054]);

- a transceiver, coupled to said controller, operable to transmit and receive digital audio files according to a radio protocol (see figs. 8s; sections [0050-0054]);

- an audio circuit coupled to receive audio files from said controller, and output the audio files for analog audio reproduction (see section [0043]), and wherein

- said controller is responsive to the receipt of an in-range radio signal by said transceiver, from the remote device, to exchange digital audio files with the remote device via said radio protocol (see figs. 8s; sections [0050-0054]).

Regarding claim 2, Pradhan teaches the apparatus of claim 1 wherein said memory further comprises a memory card slot coupled to said controller and adapted to accept a user-replaceable memory card (see section [0059]).

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Regarding claim 3, Pradhan teaches the apparatus of claim 2 wherein said memory card slot is adapted to accept plural user-replaceable memory cards (see section [0059]).

Regarding claim 4, Pradhan teaches the apparatus of claim 1 wherein said controller is operable to compress and decompress the digital audio files (see section [0003]).

Regarding claim 5, Pradhan teaches the apparatus of claim 4 wherein the digital audio files are compressed and decompressed according to the MP3 format (see section [0052]).

Regarding claim 6, Pradhan teaches the apparatus of claim 4 wherein said controller comprises a digital signal processor operable to compress and decompress the digital audio files (see figs. 8s; sections [0052]).

Regarding claim 8, Pradhan teaches the apparatus of claim 1 wherein said air protocol is selected from one of a wireless LAN standard protocol, the Bluetooth protocol, a proprietary cordless telephone data protocol, and the 2.4 GHz cordless protocol (see section [0055]).

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Regarding claim 10, Pradhan teaches the apparatus of claim 1 wherein said controller is operable to control said transceiver to transmit an in-range radio signal in response to receipt of a link request radio signal from the remote unit (see section [0056]).

Regarding claim 11, Pradhan teaches the apparatus of claim 10 wherein said in-range radio signal comprises a list of digital audio files stored in said memory (see fig. 5, item 530; figs. 8s; also see section [0045]).

Regarding claim 12, Pradhan teaches the apparatus of claim 1 wherein said controller is operable to control said transceiver to transmit a list of digital audio files stored in said memory in response to receipt of said in-range radio signal (see figs. 8s; sections [0050-0054]).

Regarding claim 13, Pradhan teaches the apparatus of claim 1 further comprising a user input actuator, and wherein said controller is operable to cause said transceiver to transmit and receive digital audio files with the remote device in response to actuation of said user input actuator (see section [0057]).

Regarding claim 14, Pradhan teaches the apparatus of claim 1 wherein said controller is a personal computer and an interface bus and said transceiver is disposed upon an interface card coupled to said interface bus (see section [0054]).

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Regarding claim 15, Pradhan teaches the apparatus of claim 14 wherein said audio output circuit is a personal computer sound card (see section [0054]).

Regarding claim 16, Pradhan teaches the apparatus of claim 1 further comprising: a display coupled to said controller, and wherein said controller is operable to display a list of files names associated with the digital audio files stored in said memory (see section [0045]).

Regarding claim 17, Pradhan teaches the apparatus of claim 1 wherein the digital audio file reproduction device is adapted for vehicular use and said audio output circuit couples analog audio files to an existing vehicular audio system (see section [0059] and fig. 10).

Regarding claim 18, Pradhan teaches a digital audio file reproduction systems with wireless transfer capability (see figs. 8s), comprising:

(a) a first device, further comprising;

a personal computing device having a storage unit, a keyboard, a display, and a peripheral interface (see figs. 8s; fig. 6; section [0044]);

a sound circuit coupled to said personal computing device, having a first microphone and a loudspeaker (see sections [0044,0054]);

a first transceiver unit coupled to said peripheral interface, and operable to transmit and receive digital audio files according to a radio protocol, and wherein

said personal computing device is operable to compress and decompress the digital audio files; wherein said personal computing device controls said first transceiver to periodically transmit a link request radio signal for receipt by said second device, and wherein said personal computing device is operable to control said first transceiver to transmit a list of digital audio files stored in said storage unit in response to receipt of said in-range radio signal, and wherein said personal computing device is operable to cause said first transceiver to transmit and receive digital audio files with said second device in response to actuation of said keyboard (see figs. 8s; sections [0050-0054]), and wherein said personal computing device is operable to display a list of files names associated with the digital audio files stored in said storage unit (see section [0045]), and

(b) a second device, further comprising;

a memory having a card slot adapted to accept plural user replaceable memory cards (see section [0059]);

a controller, operable to compress and decompress the digital audio files, and coupled to store and recall digital audio files with said memory;

a second transceiver, coupled to said controller, operable to transmit and receive digital audio files according to said radio protocol; a microphone circuit coupled to said controller, and wherein said controller is operable to receive microphone audio signals from said microphone circuit, and operable to digitize, compress and store said microphone audio signals as digital audio files in said memory (see figs. 8s; sections [0050-0054]);

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an audio circuit coupled to receive audio files from said controller, and an output for coupling analog audio files to an existing vehicular sound system (see section [0059] and fig. 10)., and wherein said controller is operable to control said second transceiver to transmit an in-range radio signal in response to receipt of a link request radio signal from said first device (see section [0056]), and wherein said controller is responsive to the receipt of an in-range radio signal by said second transceiver, from said first device, to exchange digital audio files with said first device via said radio protocol (see section [0056]).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 9,19-25, 27-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pradhan et al. (US 2004/0235521) in view of Fadden et al. (US 2002/0147648).

Regarding claim 19, the rejection of claims 1 and 18 is herein incorporated. In addition, Pradhan teaches transmitting link request to establish communication between the two devices as shown in figs. 8s. However, Pradhan does not mention a periodic request. Fadden, in an analogous art, teaches a kiosk that periodically transmitting link request

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for wireless delivery of music MP3 format to requesting cars (see sections [0058-0063]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide the above teaching of Fadden to Pradhan in order for the combined method to be able to inform the user of most updated available musical products.

Regarding claim 9, the combination of Pradhan and Fadden teaches the apparatus of claim 1 wherein said controller controls said transceiver to periodically transmit a link request radio signal for receipt by the remote device (see Fadden, sections [0058-0063]).

Regarding claim 20, the combination of Pradhan and Fadden teaches the method of claim 19 further comprising the steps of: recalling said first digital audio file from the memory of the second device, and reproducing the audio file by analog means (see Pradhan, section [0043]).

Regarding claim 21, the combination of Pradhan and Fadden teaches the method of claim 19 wherein said transmitting steps are accomplished according to a radio protocol (see Pradhan, section [0055]).

Regarding claim 22, the combination of Pradhan and Fadden teaches the method of claim 19 wherein the second memory includes a card slot adapted to receive a

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memory card, and further comprising the step of: inserting a memory card into the memory card slot (see Pradhan, fig. 6).

Regarding claim 23, the combination of Pradhan and Fadden teaches the method of claim 19 further comprising the steps of: compressing said first digital audio file by the first device, and storing said first audio file in the memory of the first device (see section [0003]).

Regarding claim 24, the claim includes the limitation as that of claim 20, and therefore is interpreted and rejected for the same reason set forth in the rejection of claim 20.

Regarding claim 25, the claim includes the limitation as that of claim 5, and therefore is interpreted and rejected for the same reason set forth in the rejection of claim 5.

Regarding claim 27, the claim includes the limitation as that of claim 8, and therefore is interpreted and rejected for the same reason set forth in the rejection of claim 8.

Regarding claim 28, the claim includes the limitation as that of claim 10, and therefore is interpreted and rejected for the same reason set forth in the rejection of claim 10.

Regarding claim 29, the claim includes the limitation as that of claim 11, and therefore is interpreted and rejected for the same reason set forth in the rejection of claim 11.

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Regarding claim 30, the claim includes the limitation as that of claim 12, and therefore is interpreted and rejected for the same reason set forth in the rejection of claim 12.

Regarding claim 31, the claim includes the limitation as that of claim 13, and therefore is interpreted and rejected for the same reason set forth in the rejection of claim 13.

Regarding claim 32, the claim includes the limitation as that of claim 16, and therefore is interpreted and rejected for the same reason set forth in the rejection of claim 16.

9. Claims 26, 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pradhan et al. (US 2004/0235521) in view of Fadden et al. (US 2002/0147648) and further in view of Yuch (US 2005/0107120).

Regarding claim 26, the combination of Pradhan and Fadden, as mentioned above, teaches the limitations of claim 19, but does not mention receiving microphone audio signals from the microphone circuit, and digitizing said microphone audio signals. Such teaching is taught by Yuch in an analogous art (see section [0022]) of Yuch). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide the above teaching of Yuch to Fadden and Pradhan in order for the combined system to record and transfer audio files from one device to the other via the microphone as taught by Yuch.

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Regarding claim 7, the claim includes the limitation as that of claim 26, and therefore is interpreted and rejected for the same reason set forth in the rejection of claim 26.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MINH D. DAO whose telephone number is 571-272-7851. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MATTHEW ANDERSON can be reached on 571-272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Minh Dao 
AU 2618
December 06, 2006


Matthew Anderson
Supervisor AU 2618